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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,060	07/06/2000	KAZUAKI OHKUBO	YAO-4321US	7496

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03/02/2004

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EXAMINER

SHAY, DAVID M

ART UNIT	PAPER NUMBER
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3739

23

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR REPLY:

- a) ☒ will expire 3 months from the date of the final Office action (including extensions of time granted).
- b) ☐ expires either (1) three months from the mail date of the final Office action, or (2) on the mail date of this Advisory Action, whichever is later. In no event, however, will the statutory period for reply expire later than six months from the mail date of the final Office action.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above.

- ☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Applicant's reply to the final rejection, filed February 12, 2004 has been considered with the following effect, but it is not deemed to place the application in condition for allowance.

1. ☒ The proposed amendment to the claim and/or specifications will not be entered and the final rejection stands because:

- a. ☒ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: the inclusion of the limitation of claim 39 in e.g. claim 32 via claim 1
and the issues raised in applicant's remarks are new issues

2. ☐ Newly proposed or amended claim _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claim allowed: none

Claims objected to: none

Claims rejected: 1, 32, 33, 35, 37, 39, 42, 46, 50, & 56-58

However;

- ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other _____

Applicant may obtain further examination by _____ for an application under 37 CFR 1.53(d) (CPA).

DAVID M. QUAY